

**REMARKS**

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed March 28, 2007. Claims 32-59 are pending in the Application.

Claims 32 and 59 are objected to for minor informalities.

Claims 32-35 and 40-44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata (U.S. Pat. No. 5,687,168) in view of Davies *et al.* (U.S. Pat. No. 6,839,767).

Claims 36-39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.*, and in further view of Sridhar *et al.* (U.S. Pub. No. 20020073226).

Claim 45 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.*, and in further view of Liu *et al.* (U.S. Pub. No. 20020097680).

Claim 46 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.*, and in further view of Gangadharan (U.S. Pub. No. 20050163123).

Claim 47 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.*, and in further view of Linzy (U.S. Pub. No. 20020019866).

Claims 48, 53, and 57-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata.

Claims 49, 54, and 59 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Hauris *et al.* (U.S. Pat. No. 5,422,883).

Claims 50-51 and 55-56 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Sridhar *et al.* (U.S. Pub. No. 20020073226).

Claim 52 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Sridhar *et al.*, and in further view of Hauris *et al.*

In response to these rejections, Claims 32, 48, 53, and 59 have been amended to further clarify the subject matter which Applicants regard as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are

fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the arguments presented herein, reconsideration of the Application is respectfully requested.

### **Objection – Claims 32 and 49**

Claims 32 and 59 are objected to for minor informalities. Specifically in Claim 32, Examiner suggests “the aggregated” be amended to “the aggregated link” and “non-adjacent nodes” be amended to “non-adjacent node.” In Claim 59, Examiner suggests “a second of said switch” be amended to “a second of said switches.” Accordingly, Applicants have amended Claims 32 and 59 as suggested, and respectfully request withdrawal of this objection.

### **Claims 32-35 and 40-44 - §103(a) Rejection – Iwata and Davies *et al.***

Claims 32-35 and 40-44 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata (U.S. Pat. No. 5,687,168) in view of Davies *et al.* (U.S. Pat. No. 6,839,767).

Iwata teaches virtual link aggregation with regards to ATM switches, not optical networks. Davies *et al.* teaches controlling admissions of data flows in IP networks. Neither teaches link aggregation in an optical network. Accordingly, Applicants have amended independent Claim 32 to include the limitation of “wherein the network comprises an optical network.”

Further, Iwata and Davies *et al.* do not teach implementing the method as part of a signaling and routing protocol for the optical network or a sub-network connection client module communicating with the optical network. Accordingly, Applicants have amended independent Claim 32 to include the limitation of

“wherein the method is implemented as one of part of a signaling and routing protocol for the optical network, a sub-network connection

client module communicating with the optical network, and combinations thereof.”

Claims 33-35 and 40-44 are dependent Claims depending from Claim 32 or an intervening Claim. Based on these amendments and arguments, Applicants respectfully submit that the rejection under §103(a) of Claims 32-35 and 40-44 has been traversed.

**Claims 36-39 - §103(a) Rejection – Iwata, Davies *et al.*, and Sridhar *et al.***

Claims 36-39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.*, and in further view of Sridhar *et al.* (U.S. Pub. No. 20020073226). Claims 36-39 are dependent Claims depending from Claim 32 or an intervening dependent Claim. Therefore, the amendments and arguments presented herein with regards to Claim 32 apply with equal force here. Applicants respectfully submit that the rejection under §103(a) of Claims 36-39 has been traversed.

**Claim 45 - §103(a) Rejection – Iwata, Davies *et al.*, and Liu *et al.***

Claim 45 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.*, and in further view of Liu *et al.* (U.S. Pub. No. 20020097680). Claim 45 is a dependent Claim depending from Claim 32. Therefore, the amendments and arguments presented herein with regards to Claim 32 apply with equal force here. Applicants respectfully submit that the rejection under §103(a) of Claim 45 has been traversed.

**Claim 46 - §103(a) Rejection – Iwata, Davies *et al.*, and Gangadharan**

Claim 46 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.*, and in further view of Gangadharan (U.S. Pub. No. 20050163123). Claim 46 is a dependent Claim depending from Claim 32. Therefore, the amendments and arguments presented herein with regards to Claim 32 apply with equal force here.

Applicants respectfully submit that the rejection under §103(a) of Claim 46 has been traversed.

**Claim 47 - §103(a) Rejection – Iwata, Davies *et al.*, and Linzy**

Claim 47 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Davies *et al.*, and in further view of Linzy (U.S. Pub. No. 20020019866). Claim 47 is a dependent Claim depending from Claim 32. Therefore, the amendments and arguments presented herein with regards to Claim 32 apply with equal force here. Applicants respectfully submit that the rejection under §103(a) of Claim 47 has been traversed.

**Claims 48, 53, and 57-58 - §103(a) Rejection – Iwata**

Claims 48, 53, and 57-58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata. Claims 48 and 53 are independent Claims and Claims 57-58 are dependent Claims depending from Claim 53.

Applicants have amended independent Claims 48 and 53 in a similar fashion as independent Claim 32 by including the limitation of an optical network and the limitation of implementing the method as part of a signaling and routing protocol for the optical network or a sub-network connection client module communicating with the optical network.

Based on these amendments and arguments presented herein, Applicants respectfully submit that the rejection under §103(a) of Claims 48, 53, and 57-58 has been traversed.

**Claims 49, 54, and 59 - §103(a) Rejection – Iwata and Hauris *et al.***

Claims 49, 54, and 59 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Hauris *et al.* (U.S. Pat. No. 5,422,883). Claim 59 is an independent Claim, Claim 49 is a dependent Claim depending from independent Claim 48, and Claim 54 is a dependent Claim depending from independent Claim 53.

Applicants have amended independent Claim 59 in a similar fashion as independent Claims 32, 48, and 53 by including the limitation of an optical network and the limitation of implementing the method as part of a signaling and routing protocol for the optical network or a sub-network connection client module communicating with the optical network.

The amendments and arguments present herein with regards to Claims 48 and 53 apply with equal force here to Claims 49 and 54. Based on these amendments and arguments presented herein, Applicants respectfully submit that the rejection under §103(a) of Claims 49, 54, and 59 has been traversed.

**Claims 50-51 and 55-56 - §103(a) Rejection – Iwata and Sridhar *et al.***

Claims 50-51 and 55-56 are rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Sridhar *et al.* (U.S. Pub. No. 20020073226). Claims 50-51 are dependent claims depending ultimately from independent Claim 48. Claims 55-56 are dependent claims depending ultimately from independent Claim 53. The amendments and arguments present herein with regards to Claims 48 and 53 apply with equal force here to Claims 49 and 54. Based on these amendments and arguments presented herein, Applicants respectfully submit that the rejection under §103(a) of Claims 50-51 and 55-56 has been traversed.

**Claim 52 - §103(a) Rejection – Iwata, Sridhar *et al.*, and Hauris *et al.***

Claim 52 is rejected under 35 U.S.C. §103(a) as being unpatentable over Iwata in view of Sridhar *et al.*, and in further view of Hauris *et al.* Claim 52 is a dependent Claim

ultimately depending from Claim 48. Therefore, the amendments and arguments presented herein with regards to Claim 48 apply with equal force here. Applicants respectfully submit that the rejection under §103(a) of Claim 52 has been traversed.

**CONCLUSION**

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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